

tion of the Governor, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,  
Austin, Texas, May 16, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 2, A bill to be entitled "An Act making an appropriation to pay the per diem pay of members, and the per diem pay of officers and employees of the Third Called Session of the Thirty-eighth Legislature of the State of Texas, convened May 16th, 1923, by proclamation of the Governor, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

#### FIRST DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,

Thursday, May 17, 1923.

The Senate met at 10 o'clock a. m., and was called to order by President Pro Tem H. L. Lewis.

#### Simple Resolution No. 5.

By Senator Floyd:

Whereas, The Legislature has been called into an extra session to adjust the discrepancies between the available revenues and the appropriations passed at the second called session, and

Whereas, It has been estimated that the appropriations exceed the available revenues approximately four million dollars each for the next two fiscal years, and

Whereas, The Legislature will either have to enact new tax measures or reduce the appropriations, therefore be it

Resolved, That it is the sense of the Senate, that the appropriations

should be reduced to within the available revenues rather than to enact new tax measures to further burden the people and the commercial industries of this State.

The resolution was read, and on motion of Senator Holbrook, was laid on the table subject to call.

#### Simple Resolution No. 6.

By Senator Darwin:

Resolved, That the Lieutenant Governor's page, Joe Erwin, get \$3.50 per day for this session.

The resolution was read and adopted.

#### Message from the Governor.

The following message received from the Governor, was laid before the Senate and read:

Governor's Office.

Austin, Texas, May 16, 1923.

To the Members of the Third Called Session of the Thirty-eighth Legislature:

Gentlemen: I have been requested by the House of Representatives to state whether or not my message to the Third Called Session of the Thirty-eighth Legislature included the subject of revenue measures. This is to advise that it was my purpose that this message include, and I hereby submit to you, both the subjects of revenue and appropriations, to the end that the wide discrepancy between the appropriations heretofore made by your Honorable Body for the maintenance of our State institutions and the estimated available revenues out of which said appropriations are to be met, be eliminated.

Respectfully submitted,  
PAT M. NEFF, Governor.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. C. R. No. 1, relating to the adoption of the Joint Rules of the House and Senate.

S. C. R. No. 2, relating to certain committees of the House and Senate holding joint sessions.

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk, House of Representatives

#### Recess.

On motion of Senator Doyle, the Senate at 10:20 recessed until 10 o'clock a. m., tomorrow.

#### Morning Session.

Senate Chamber,  
Austin, Texas, May 18, 1923.  
The Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

#### Simple Resolution No. 7.

By Senators Rogers, Burkett and Wirtz:

Whereas, On or about the 26th day of February, 1923, there was filed in the Senate of the United States a protest of the election of Earle B. Mayfield to represent the State of Texas in that Honorable Body, as well as a contest of the legality of said election, and;

Whereas, In the said protest and contest, grave and serious charges of corruption were made against numerous election officials and officers of the State Government, including charges that the said Earle B. Mayfield prostituted his office as Railroad Commissioner to extort funds from various industries of Texas over which he had jurisdiction, said funds being used in the furtherance of his campaign for United States Senator, and;

Whereas, Charges of gross intimidation, threats and compulsion of voters are made in said protest and contest, which, if true, indicate that every effort, made in the past to guarantee the purity of the ballot in Texas, has been put at naught; and which, if not true, constitute a wanton and malicious slander of our public officials and institutions, so that the honor of Texas demands that their truth or falsity be established, and;

Whereas, Further charges are

made in said protest and contest that a secret, oath-bound organization, known as the Ku Klux Klan, contributed vast sums of money to the campaign of said Earle B. Mayfield, contrary to the letter and spirit of the law governing campaign expenditures, and that said secret, oath-bound organization contrived to gain control of the machinery not only of the Democratic Party, but of the State Government itself, and succeeded in so doing to such extent that the liberties of the electorate of Texas were prostituted and laid prostrate at the feet of said organization, and;

Whereas, It is charged in said protest and contest that high officials of Texas have allowed their positions, both judicial and executive, to be used by said secret, oath-bound organization in furthering a conspiracy to prevent the electorate of the State from exercising a free choice of a representative in the Senate of this Nation, said charges being sworn to by a citizen of our State, who alleges that he stands ready to offer proof of the truth of same, and;

Whereas, by said charges, the State of Texas, its officers and institutions, stand at the bar of public opinion throughout the civilized world, accused of having surrendered the rights and liberties of the citizens as a whole to a secret political society, aiming at the destruction of organized government and which charges, if proven to be true, will show the necessity and imperative obligation for those charged with the administration of the affairs of State and with safeguarding the rights and liberties of the citizenship to remedy the evils so proven to exist within the body politic; and which if not true, must be exposed to the censure of an outraged people and the honor and integrity of Texas, and its officials and institutions be vindicated thereby; therefore, be it

Resolved, That it is the sense of the Senate of Texas that the charges made in the protest and contest of the election of Earle B. Mayfield, filed in the Senate of the United States by George E. B. Peddy, be fully and freely investigated by that Honorable Body, and that copy of this resolution be furnished every member of the Senate of the United States.

The resolution was read.

Senator Pollard moved that the resolution be referred to the committee on State Affairs, and the motion to refer was lost.

On motion of Senator McMillin, the resolution was laid on the table subject to call.

#### Adjournment.

On motion of Senator Holbrook, the Senate at 10:10 a. m. adjourned until next Monday at 10 o'clock a. m.

#### SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Monday, May 21, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, the following Senators answering to their names:

|           |          |
|-----------|----------|
| Bailey.   | Pollard. |
| Bledsoe.  | Rogers.  |
| Bowers.   | Strong.  |
| Darwin.   | Stuart.  |
| Davis.    | Thomas.  |
| Doyle.    | Turner.  |
| Floyd.    | Watts.   |
| Holbrook. | Witt.    |
| McMillin. | Woods.   |

#### Absent.

|            |           |
|------------|-----------|
| Baugh.     | Murphy.   |
| Burkett.   | Parr.     |
| Clark.     | Rice.     |
| Cousins.   | Ridgeway. |
| Fairchild. | Wirtz.    |
| Lewis.     | Wood.     |

It was announced that there was no quorum present.

#### Adjournment.

Senator Darwin moved that the Senate stand adjourned until 4 p. m. tomorrow, and the motion was lost.

Senator Stuart moved that the Senate stand adjourned until 5 p. m. tomorrow, and the motion was lost.

On motion of Senator Darwin, the Senate at 10:50 a. m. adjourned until 2 p. m. tomorrow.

#### THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, May 22, 1923.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

|           |           |
|-----------|-----------|
| Bailey.   | Parr.     |
| Baugh.    | Pollard.  |
| Bledsoe.  | Rice.     |
| Bowers.   | Ridgeway. |
| Clark.    | Rogers.   |
| Cousins.  | Strong.   |
| Darwin.   | Stuart.   |
| Davis.    | Thomas.   |
| Doyle.    | Turner.   |
| Floyd.    | Watts.    |
| Holbrook. | Witt.     |
| Lewis.    | Wood.     |
| McMillin. | Woods.    |

#### Absent—Excused.

|            |         |
|------------|---------|
| Burkett.   | Murphy. |
| Fairchild. | Wirtz.  |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

#### Excused.

Senator Burkett for today, on account of important business, on motion of Senator Pollard.

Senator Fairchild for today, on account of important business, on motion of Senator Cousins.

Senators Murphy and Wirtz for today, on account of important business, on motion of Senator Doyle.

#### Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senator Wood:

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institu-